

**REMARKS**

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 4-8, 13-17, 20-24 and 29-32 are pending. Claims 1 and 17 are independent.

In the Official Action, claims 1, 4-8, 13-17, 20-24 and 29-32 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Chen (U.S. Patent Publication No. 2003/0005161) and Sato (U.S. Patent No. 5,884,004).

Briefly recapitulating, claim 1 is directed to

A method of reproducing content information stored on recording medium comprising:

reproducing *first data* read out from the recording medium in synchronization with *second data* received from a content providing server over a network, *the first data comprising audio/video data and the second data comprising content data associated with the first data*;

sensing a failure in receiving the second data;

upon sensing the failure in receiving the second data, *re-synchronizing* the first data read out from the recording medium with the second data received from the content providing server over the network *based on information for synchronization or re-synchronization included in the second data, the information including data rate information of the second data and/or size information of the second data*; and

continuing to reproduce the first data in synchronization with the second data.

Chen describes a method for recovering from a failed synchronization session. The recovery detection method is able to identify a sync failure with a minimal amount of data transmitted between the two devices, and thus, provides an economic method of recovering from a failed synchronization session using wireless technology. The method achieves this recovery without requiring the server to maintain and track errors of the client, without waiting for an

explicit acknowledgement from the client, and without other time consuming and bandwidth intensive tasks.

FIG. 4 of Chen is a graphical representation of one embodiment of client synchronization data 323 exchanged during a synchronization session. In the illustrated embodiment, the synchronization data 323 includes a client request 324 and a client response 326. The client request 324 includes a sync key 402 and a client manifest 404. The sync key 402, described in a co-pending application entitled “SYNC KEY” which is commonly owned and filed on the same date as the current application, provides one illustrative method for synchronizing data using wireless technology. The method for detecting a failed synchronization session using the sync key 402 will be described in greater detail below. The client manifest 404 identifies information that has changed in the mobile data 322 since the last successful synchronization session or may identify information that the mobile device 320 wants from the server data 312. For example, in one embodiment, if the client manifest 404 is null, the synchronization application 342 sends all the currently stored server data 312 to the mobile device 320 to store as mobile data 322.

However, as acknowledged by the Official Action, Chen does not disclose or suggest a) Applicant’s claimed *first data comprising audio/video data and second data comprising content data associated with the first data*; and b) *re-synchronizing ...based on information for synchronization or re-synchronization included in the second data, the information including data rate information of the second data and/or size information of the second data*. To cure this deficiency, the Official Action applies Sato.

Sato describes a bit stream generating method for generating a bit stream containing a plurality of video objects (VOB) including video data and audio data stored on an optical disc

(M). The encoding system controller 200 of Sato generates reproduction time information IT defining the reproduction time of a title editing unit (video object, VOB), and stream encoding data St33 defining the system encode parameters for multiplexing the encoded multimedia stream containing video, audio, and sub-picture data. The reproduction time information IT and stream encoding data St33 are generated for the video object VOB of each title in one video zone VZ.

System encoder 900 of Sato is connected to the video stream buffer 400, sub-picture stream buffer 600, audio stream buffer 800, and the encoding system controller 200, and is respectively supplied thereby with the time-delayed encoded video stream St27, time-delayed encoded sub-picture stream St29, time-delayed encoded audio stream St31, and the stream encoding data St33. The system encoder 900 is a multiplexer that multiplexes the time-delayed streams St27, St29, and St31 based on the stream encoding data St33 (timing signal) to generate title editing unit (VOB) St35. The stream encoding data St33 contains the system encoding parameters, including the encoding start and end timing.

In an alternative embodiment, the encoding system controller 200 generates control signals St9, St11, St13, St21, St23, St25, St33, and St39 based on the scenario data St7 describing the user-defined editing instructions input from the scenario editor 100, and controls the video encoder 300, sub-picture encoder 500, and audio encoder 700 in the DVD encoder ECD. The user-defined editing instructions in the DVD encoder ECD are a superset of editing instructions of an authoring encoder EC.

In each of these embodiments, stream encoding data St33 of Sato contains system stream encoding parameters and system encoding start and end timing values required by the DVD

system to generate the VOBs. These system stream encoding parameters include the conditions for connecting one video object VOB with those before and after, the number of audio streams, the audio encoding information and audio Ids, the number of sub-pictures and the sub-picture Ids, the video playback starting time information VPTS, and the audio playback starting time information APTS.

However, contrary to the Official Action, Sato does not disclose or suggest a) Applicant's claimed *first data comprising audio/video data and second data comprising content data associated with the first data*; and b) *re-synchronizing ...based on information for synchronization or re-synchronization included in the second data, the information including data rate information of the second data and/or size information of the second data*. As a first point of order, Applicant submits that the Official Action does not specify which data of Sato corresponds to Applicant's first data, and which data of Sato corresponds to Applicant's second data.

Assuming, *arguendo*, that the rejection is equating the reproduction time IT and stream encoding data St33 of Sato to Applicant's first and second data, respectively, Applicant traverses. The reproduction time IT of Sato is not *first data comprising audio/video data*.

Assuming, *arguendo*, that the rejection is equating the video data of Sato to Applicant's first data, Applicant traverses because there is no second data in Sato associated with the VOB of Sato. That is, St33 of Sato is not *second data comprising content data associated with the first data*, let alone second data that includes *information for synchronization or re-synchronization ..., the information including data rate information of the second data and/or size information of the second data*. That is, the system stream encoding parameters and system encoding start

and end timing values of St33 is not data rate information of the second data (i.e., data rate information of St33) and/or size information of the second data (i.e., size information of St33).

For similar reasons, Applicant submits that Chen and Sato do not disclose or suggest the first and second data recited in independent claim 17. As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1 and 17, Applicant submits the inventions defined by claims 1 and 17, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.<sup>1</sup>

Furthermore, even if one were able to find Applicant's first and second data in Sato, Applicant submits that one skilled in the art would not be motivated to modify the method of Chen with the teachings of Sato to arrive at Applicant's claimed *re-synchronizing ...based on information for synchronization or re-synchronization included in the second data, the information including data rate information of the second data and/or size information of the second data*. Applicant acknowledges that Sato does disclose a type of resynchronization in column 26, lines 8-16. However, this resynchronization relates to a scenario when two system streams are seamlessly connected but the audio components of the two system streams are not contiguous, particularly immediately before and after the seam. Sato explains that non-contiguous audio may result from audio signals being recording with the corresponding video blocks. With an NTSC signal, for example, the vide frame cycle is approximately 33.33 msec while the ACCORDING TO-3 audio frame cycle is 32 msec. In other words, the resynchronization of Sato is directed to audio components of two system streams which are not

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<sup>1</sup> MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations.

contiguous but are seamlessly connected as one component. In contrast, the resynchronization of the present invention refers to the two components being independently reproduced in a synchronous manner.

In KSR v. Teleflex (127 S. Ct. 1727, 1740 (2007)), the Court noted that

“[u]nder the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.” The Court also noted that “a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103.”

However, the Court went on to note that

“rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some *rational* underpinning to support the legal conclusion of obviousness.”

Here, however, the Official Action fails to provide a rational reason, due to either a misunderstanding of the invention/references or hindsight reasoning, for replacing or augmenting the content reproduction method of Chen with the audio stream resynchronization of Sato. Thus, for independent reasons, Applicant requests that the present rejection under 35 U.S.C. § 103(a) be withdrawn.

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

**CONCLUSION**

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco (Reg. No. 52,041) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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